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Social and human rights questions: Permanent Forum on Indigenous Issues

Programme budget implications of the recommendations contained in the report of the Permanent Forum on Indigenous Issues on its first session (E/2002/43 (Part I))

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedures of the Economic and Social Council

Executive summary

1. The Permanent Forum on Indigenous Issues, at its first session, recommended that the Economic and Social Council adopt four decisions, which may be summarized as follows:

Draft decision I
Establishment of the secretariat of the Forum, to be located in New York, attached to the secretariat of the Council and comprised of five Professional and two administrative staff

Draft decision II
Provision, on an exceptional basis, of summary records of the public meetings of the Forum

Draft decision III
Convening of the second session of the Forum in the period April-May 2003 at United Nations Headquarters

Draft decision IV
Authorization to hold an informal intersessional meeting of Forum members for five working days prior to its second session for the purpose of strategic planning, as well as to hold a meeting of Forum members in the three working days prior to its second session

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2. The adoption by the Council of the four draft decisions would entail total net additional resources estimated at $1,340,800 for the following requirements:

(a) Establishment of an independent and separate secretariat for the Forum, to be located in New York, comprising six posts instead of the seven recommended by the Forum (one D-1, one P-4, one P-3, one P-2 and two General Service posts). Pending the outcome of the review that the Council may be undertaking pursuant to paragraph 8 of its resolution 2000/22, it is proposed to establish those posts as temporary posts as of 1 January 2003. The net additional requirements entailed by the establishment of the secretariat would consist of $556,700 for posts and non-post requirements of the secretariat and $158,400 for the office space and basic general services expenditures to be provided in New York to that secretariat;

(b) Provision of additional conference services, including summary records, a five-day intersessional meeting and a three-day additional meeting prior to the 2003 session of the Forum and the differential cost of holding the 2003 session in New York instead of Geneva. The additional cost of those conference services is estimated at $455,400;

(c) Cost of travel and DSA for the 16 members of the Forum ($170,300) to attend the intersessional meeting and the additional three-day meeting prior to the 2003 session, as well as the differential cost arising from holding the 2003 session in New York instead of Geneva.

3. The Secretary-General does not anticipate, at this stage, that the additional requirements of $1,340,800 could be absorbed from within the resources approved by the General Assembly for the biennium 2002-2003. He considers, therefore, that those additional requirements would have to be met through an appropriation by the General Assembly in accordance with the procedure for the use of the contingency fund as spelled out in General Assembly resolutions 41/213 and 42/211.

I. Introduction

1. By its resolution 2000/22, the Economic and Social Council decided, inter alia:

(a) To establish as a subsidiary organ of the Council the Permanent Forum on Indigenous Issues;

(b) That the Forum shall serve as an advisory body of the Council;

(c) That the Forum shall apply the rules of procedure established for subsidiary organs of the Council as applicable;

(d) That the Forum shall hold an annual session of 10 working days at the United Nations Office at Geneva or at United Nations Headquarters or at such other place as the Forum may decide, in accordance with existing financial rules and regulations of the United Nations;

(e) That the financing of the Forum shall be provided from within existing resources through the regular budget of the United Nations and its specialized agencies and through such voluntary contributions as may be donated;

(f) That, five years after its establishment, an evaluation of the functioning of the Forum, including the method for selection of its members, shall be carried out by the Council in the light of the experience gained;

(g) That, once the Forum has been established and has held its first annual session the Council would review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

2. At its first session, held in New York from 13 to 24 May 2002, the Forum recommended that the Council adopt the four draft decisions reproduced below. Before adopting draft decision I, "Establishment of the secretariat of the Permanent Forum on Indigenous Issues", the Forum was informed through an oral statement that the Secretary-General would study the recommendations regarding a core secretariat and would submit a formal statement of programme budget implications to the Council. As regards what might be supported from the regular budget and the specific posts to be proposed, it was pointed out that such matters were outside the purview of the Council and its subsidiary bodies and that those matters were the responsibility of the Secretary-General and the General Assembly in its role under the Charter of the United Nations as regards administrative and budgetary matters.

3. Due to constraints of time, the Forum was not informed of the programme budget implications of draft decisions II, III and IV, which are submitted below for the consideration of the Council.

II. Programme budget implications of draft decisions I-IV recommended by the Forum for adoption by the Council

4. The programme budget implications of draft decisions I to IV recommended by the Forum at its first session for adoption by the Council are set out below separately for each decision.

Draft decision I
Establishment of the secretariat of the Permanent Forum on Indigenous Issues

"The Economic and Social Council decides that the secretariat of the Permanent Forum on Indigenous Issues shall be established as a matter of urgency and that, given the broad mandate of the Forum, the secretariat shall be located in New York and shall be attached to the secretariat of the Council. The secretariat will be designated as the secretariat of the Permanent Forum on Indigenous Issues, and will comprise five Professionals and two administrative staff, with due consideration being given to qualified indigenous persons. The secretariat will assist the members of the Forum in fulfilling its mandate by implementing the approved programme of activities, including the organization of meetings; undertaking research projects and preparing annual report to the Council; raising awareness and promoting the integration and coordination of activities relating to indigenous issues within the United Nations system; and preparing and disseminating information on indigenous issues. Those activities are to be funded from the regular budget."

5. Within the United Nations Secretariat, activities related to indigenous people, including coordination, have been carried out by the Office of the United Nations High Commissioner for Human Rights. The Secretary-General has also designated that office as the lead agency for the preparations for the Forum. With the establishment of the Forum, the scope and nature of the activities related to indigenous issues to be carried out by the United Nations and the organizations of the United Nations system will be expanded considerably beyond the human rights area. The Forum calls for the establishment of a separate secretariat to be attached to the secretariat of the Council. The attention of the Council is drawn to the fact that the secretariat of the Council provides only technical secretariat services to the Council and its subsidiary bodies, including the Forum, in particular services dealing with procedural and organizational matters required before and during the sessions of those bodies. Since the secretariat unit proposed to be established by the draft decision would provide services of a substantive nature as outlined above, the Secretary-General considers that, while independent and located in New York, that secretariat unit should rather be attached to a substantive department/office, thus avoiding the creation of a separate budget section for such a relatively small entity. It is proposed that the description of the new secretariat unit's programmatic activities and related budgetary resources be shown as a separate part under section 9, Economic and social affairs, of the programme budget. That arrangement will be temporary, until the Council finalizes the review mentioned in paragraph 8 of its resolution 2000/22. In that paragraph, the Council decided, once the Permanent Forum has been established and has held its first annual session, to review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

6. In its report on its first session (E/2002/43(Part I)-E/CN.19/2002/3(Part I)), the Forum identified a number of proposals, objectives, recommendations and areas of possible future action. On that basis, the work of the secretariat of the Forum is envisioned to include the following:

(a) Coordinating inputs of the United Nations system relevant to the programme of work of the Forum;

(b) Representing and advocating the policies of the Forum before United Nations policy-making bodies, agencies, programmes and funds;

(c) Pursuing the integration of indigenous issues within the intergovernmental and inter-agency system;

(d) Consulting with representatives of Member States, representatives of indigenous organizations, academic institutions and others concerned with a view to implementing the programme of work of the Forum;

(e) Pursuing strategies for raising awareness of indigenous issues among non-governmental organizations, the media, academic and civil society at large;

(f) Pursuing the mobilization, as necessary, of resources, including of voluntary financial contributions, for the implementation of the programme of work of the Forum.

7. In draft decision I, the Forum recommended that the proposed new secretariat unit comprise five posts at the Professional level (one D-1, one P-5, one P-4, one P-3, one P-2) and two posts at the General Services level, and that the activities in support of the Forum be funded from the regular budget. Following a review of the activities and functions to be carried out to implement the programme of work outlined by the Forum in the report on its first session, it is proposed to establish, as of 1 January 2003, six posts, as follows: four posts at the Professional level (one D-1, one P-4, one P-3, one P-2) and two at the General Services level. Pending the outcome of the review to be carried out by the Council pursuant to paragraph 8 of its resolution 2000/22, it is proposed that the posts be established as temporary posts. The resource requirements attached to the six posts are described in the table. It is understood that the final determination of the number and levels of the posts and the non-post resource requirements of the secretariat for the Forum would be reviewed, as necessary, in the light of the outcome of the review by the Council.

8. The functions of the six posts would include the following:

Director (D-1)

- Provide overall coordination of assistance and support to the mandate and programme of work of the Forum, and provide overall direction and management of the secretariat.
- Engage in high-level discussions with members of the Forum, Member States and United Nations entities.
- Provide policy direction and guidance for establishing and maintaining linkages on indigenous issues within the United Nations system, as well as with other intergovernmental organizations, indigenous organizations, non-governmental organizations and other relevant actors, including academic institutions.
- Coordinate and ensure the preparation of and follow-up to sessions of the Forum.
- Coordinate reports to the Council.
- Represent the Forum secretariat at international, regional and national meetings on indigenous issues.

Programme Officers (one P-4 , one P-3 and one P-2)

- Follow up the effective implementation of the approved programme of activities.
- Collect and analyse information and data from the United Nations system, and prepare relevant reports and studies following recommendations of the Forum.
- Organize meetings for the members of the Forum.
- Prepare the annual report to the Council.
- Undertake research projects.
- Establish and maintain partnerships with other experts and stakeholders (Governments, research institutes, academia, United Nations system and other international organizations, NGOs, the private sector etc.) to deal with issues relating to indigenous peoples.
- Raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system, including coordination of meetings within the United Nations system.
- Review and analyse reports from organizations of the United Nations system and country teams.
- Prepare briefing notes on indigenous issues.
- Organize and maintain a relevant clearing house database on indigenous issues.
- Prepare and disseminate information on indigenous issues.
- Contribute to the personnel and financial management of the secretariat.

Administrative Assistant (two General Service)

- Assist the Director and the other Professional staff.
- Assist in the personnel and financial management of the secretariat.
- Dissemination of information materials.
- Respond to inquiries about the secretariat.
- Process payments, travel arrangements, contracts etc.
- Day-to-day office administration responsibilities and procedures.

9. It should be noted that the mandates entrusted to the Office of the United Nations High Commissioner for Human Rights have not been modified or reduced as a result of the establishment of the Forum. Unless the Council decides otherwise, those mandates will continue to be implemented by the Office of the High Commissioner. As a result, it was not considered possible to redeploy some or all of the resources currently available in the Office of the High Commissioner for activities related to the mandates on indigenous peoples. Those resources include one P-3 and one P-2 post, as well as one post at the P-4 level, which is used as the leader of a sub-team on minorities and indigenous mandates. The mandates entrusted to the Office of the High Commissioner and which will continue to be implemented by it are the following:

- Subcommission Working Group on Indigenous Populations (Council resolution 1982/34).
- Commission on Human Rights working group on the draft declaration on the rights of indigenous peoples (Council resolution 1995/32).

- International Decade of the World's Indigenous People (General Assembly resolution 48/163), of which the Office of the High Commissioner is the Coordinator.
- Indigenous fellowship programme (General Assembly resolution 50/157 annex § 13).
- Commission on Human Rights Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (Commission resolution 2001/57).
- Voluntary Fund for Indigenous Populations (General Assembly resolution 40/131).
- Voluntary Fund for the International Decade (General Assembly resolution 48/163).
- Technical assistance to indigenous peoples (World Conference on Human Rights plan of action II § 30).

10. Although there may be changes to these mandates in the future, as a result of the review to be undertaken by the Council, no reduction of activities within the Office in the immediate future is foreseen as a result of the establishment of the Forum.

11. Among the proposals, objectives, recommendations and areas of possible action identified by the Forum in its report, human rights are dealt with in paragraphs 15-24. Of the activities mentioned, only three would constitute defined activities by the Office of the High Commissioner: (a) preparation of a report by the Secretary-General on how indigenous issues have been addressed in United Nations Charter-based mechanisms and treaty bodies (para. 15); (b) organization of a technical seminar with members of the Forum, the members of the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (para. 17); and (c) organization of activities with indigenous peoples in Africa and Asia (para. 24). Those activities are new and do not duplicate activities currently out by the Office of the High Commissioner. Paragraphs 16 and 18 to 23 of the report are addressed to States or other organizations and agencies of the United Nations system, or request priority-setting within the work of existing human rights mechanisms. Activities to be undertaken by other departments/offices of the Secretariat and/or organizations of the United Nations system are identified in paragraphs 3 to 14 and 25-32 of the report. In that connection, it is recalled that an Inter-agency Support Group for the Forum has been established. The Group met in 2002, discussed ways of supporting the Forum and reported on its deliberations to Governments and indigenous peoples (see E/2002/68, paras. 49-58).

Draft decision II
Summary records of public meetings of the Permanent Forum on Indigenous Issues

"The Economic and Social Council, bearing in mind the special nature of the Permanent Forum on Indigenous Issues, the diversity of its participation and the breadth of its mandate, decides exceptionally to authorize the provision of summary records for the public meetings of the Forum."

12. No provision was made in the programme budget for the biennium 2002-2003 for the provision of summary records to the Forum. Should the Council adopt draft decision II, additional resources estimated at $122,600 would be required. At this stage, it is not possible to anticipate whether that amount could be absorbed from within the resources approved by the General Assembly for the current biennium. It would therefore be necessary that it be provided through an additional appropriation under section 2, General Assembly affairs and conference services, of the programme budget for the biennium 2002-2003. In addition, it is recalled that, in its resolution 49/221, the General Assembly listed the organs entitled to be provided with summary records. The Forum is not among those bodies. Thus, the provision of summary records to the Forum would represent an exception to the provisions of that resolution.

Draft decision III
Venue and date of the second session of the Permanent Forum on Indigenous Issues

"The Economic and Social Council decides to hold the second session of the Permanent Forum on Indigenous Issues in the period April-May 2003 at United Nations Headquarters."

13. In the programme budget for 2002-2003, it was assumed that the Forum would be meeting in Geneva and an amount of $106,100 was included under section 22, Human rights, for meeting the requirements for travel to and DSA in Geneva of the 16 members of the

Forum in 2003. The cost of travel and DSA for the 16 members to attend the 2003 session of the Forum in New York is estimated at $150,800, thus entailing a differential cost of $44,700. Similarly, the holding of the second session of the Forum in New York instead of Geneva would entail a differential cost in the conference services to be provided to the Forum, estimated at $107,300. Should the Council adopt draft decision III, the additional resources which would be needed for holding that session in New York would amount to $107,300 under section 2, General Assembly affairs and conference services, and $44,700 under section 9, Economic and social affairs, of the programme budget for the biennium 2002-2003.

14. At this stage, it is not anticipated that those additional resources could be absorbed from within the resources approved by the General Assembly for the current biennium. It would therefore be necessary that they be provided through additional appropriations under the two sections of the programme budget for the biennium 2002-2003.

Draft decision IV
Additional meetings

"The Economic and Social Council decides to authorize an informal intersessional meeting of the members of the Permanent Forum on Indigenous Issues for five working days prior to its second session for the purpose of strategic planning. It also decides to authorize a meeting of Forum members in the three working days prior to its second session."

15. The calendar of meetings and conferences approved by the General Assembly for the biennium 2002-2003 includes two annual sessions of 10 working days each (one in 2002 and one in 2003) for the Forum. Should the Council adopt draft decision IV, additional resources would be required as follows:

(a) An amount of $125,600 under section 9, Economic and social affairs, comprising $94,800 for the cost of travel and DSA of the 16 members of the Forum to attend the intersessional meeting and $30,800 for the DSA of the members during the three working days prior to the 2003 session;

(b) An amount of $225,500 under section 2, General Assembly affairs and conference services, for the provision of interpretation and the necessary pre-, in- and post-session documentation. That amount comprises $127,500 for the intersessional meeting and $98,000 for the three working days prior to the 2003 session.

16. At this stage, it is not possible to anticipate whether those amounts could be absorbed from within the resources approved by the General Assembly for the current biennium. It would therefore be necessary that they be provided through additional appropriations under the two sections of the programme budget for the biennium 2002-2003.

17. The overall resource requirements entailed by the four decisions are described in the table.

Requirements by section of the 2002-2003 programme budget and by object of expenditure

(United States dollars)

	Total requirements	*Proposed transfers from section 22*	*Net total requirements*
A. Section 2, General Assembly affairs and conference services			
Conference-servicing costs			
Annual 10-day meeting to be held in New York instead of Geneva (draft decision III)	107 300		107 300
Provision for summary records	122 600		122 600
5-day intersessional meeting in New York (draft decision IV)	127 500		127 500
3-day working meeting prior to 2003 session (draft decision IV)	98 000		98 000
Total A	**455 400**		**455 400**
B. Section 9, Economic and social affairs			
1. Travel of members of the Forum			
Annual 10-day meeting to be held in New York instead of Geneva (draft decision III)	150 800	106 100	44 700
5-day intersessional meeting in New York (draft decision IV)	94 800	-	94 800
3-day working meeting prior to 2003 session (draft decision IV)	30 800	-	30 800
Subtotal B.1	**276 400**	**106 100**	**170 300**
2. Secretariat of the Forum			
Posts	343 100		343 100
Other staff costs for additional support at peak periods and replacement of staff on sick or maternity leave[a]	15 000		15 000
Consultants and experts for specialized service not available in the Secretariat and for Forum meetings as relevant[a]	20 000		20 000
Travel of staff for coordination and follow-up on activities relevant to indigenous issues[a]	10 000		10 000
Contractual services for external printing and translation of publications[a]	15 000		15 000
General operating expenditures including rental and maintenance of office equipment, communications, telephone and facsimile charges and maintenance of office automation and data-processing equipment[b]	77 600		77 600
Supplies and materials[b]	2 400		2 400
Furniture and equipment[b]	73 600		73 600
Subtotal B.2	**556 700**		**556 700**
Total B	**833 100**	**106 100**	**727 000**
C. Section 27.D, Office of Central Support Services			
Rental of premises and alterations[b]	60 400		60 400
Alterations/improvements	92 600		92 600
Optical disk	1 800		1 800

	Total requirements	*Proposed transfers from section 22*	*Net total requirements*
LAN	3 600		3 600
Total C	**158 400**		**158 400**
D. Section 32, Staff assessment			
Staff assessment	70 300		70 300
E. Income section 1, Income from staff assessment			
Income from staff assessment	(70 300)		(70 300)
Grand total (A-E)	**1 446 900**	**106 100**	**1 340 800**

[a] Costed on an indicative basis, bearing in mind the nature of the work to be undertaken by the new secretariat.
[b] Calculated on the basis of standard costs.

18. As shown above, the adoption by the Council of draft decisions I to IV recommended by the Forum would entail total requirements estimated at $1,340,800, broken down as follows:

(a) Post requirements to be shown under section 9: $343,100 representing the standard cost (50 per cent for Professional and 65 per cent for General Service posts) of the six new posts (one D-1, one P-4, one P-3, one P-2 and two General Service) proposed to be established as temporary posts in New York as of 1 January 2003;

(b) Non-post requirements to be shown under section 9: $383,900 to be used for temporary assistance, consultants, travel of representatives and of staff, general operating expenses, contractual services, office equipment, furniture and supplies etc.;

(c) Non-post requirements to be shown under section 27.D, Office of Central Support Services: $158,400 to be used for the provision of office space for the new secretariat and other related requirements as summarized above;

(d) Conference-servicing costs to be shown under section 2, General Assembly affairs and conference services: $455,400;

(e) Staff assessment to be shown under section 32: $70,300 to be offset by an increase of the same amount under Income section 1, Income from staff assessment.

19. As indicated under the relevant paragraphs above, those amounts represent additional requirements over and above the resources approved by the General Assembly for the biennium 2002-2003. At this stage, it is not possible to anticipate whether they could be absorbed from within the resources approved by the General Assembly for the current biennium. It would therefore be necessary that they be provided through additional appropriations by the General Assembly.

III. Conclusion

20. It will be recalled that, under the procedure established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the approved or proposed programme budget. Under that procedure, if additional expenditures are proposed that exceed the resources that are available from the contingency fund, the activities concerned can be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

21. The adoption by the Council of draft decisions I to IV recommended by the Forum in its report on its first session would entail net additional requirements estimated at $1,340,800. The Secretary-General does not anticipate, at this stage, that those requirements could be absorbed from within the resources approved by the General

Assembly for the current biennium. Therefore, those requirements would represent a charge against the contingency fund. The appropriation of the amount of $1,340,800 by the General Assembly would be made under relevant budget sections, as follows: $727,000 under section 9, Economic and social affairs; $455,400 under section 2, General Assembly affairs and conference services; $158,400 under section 27.D, Office for Central Support Services; and $70,300 under section 32, Staff assessment, offset by an increase in income of the same amount under Income section 1.